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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,460	08/24/2000	Sudesh Kamath	ORCL5665	4382

7590 11/17/2003

YOUNG LAW FIRM PC
4370 Alpine Road
Suite 106
Portola Valley, CA 94028

EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 11/17/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,460

Applicant(s)

KAMATH ET AL.

Examiner

Tim Brown

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-- Th MAILING DATE of this communication app ars on the cover sheet with th correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This non-final Office action is responsive to Applicants' amendment submitted August 18, 2003.

Claim Rejections - 35 USC § 112

2. The previous Office rejected Claims 16-30 under 35 U.S.C. 112, second paragraph. These rejections have been withdrawn in response to Applicants' amendment and Applicants' arguments.

Official Notice

3. In the prior Office Action, the Examiner took Official Notice of the fact that sending an order confirmation by e-mail is old and well known in the Internet commerce art. Because Applicants did not challenge the assertion of Official Notice, this limitation is considered admitted prior art.

Response to Arguments

4. A supplemental search has revealed prior art that discloses Applicants' invention more precisely. Accordingly, Applicants' arguments are moot in view of the new grounds of rejection presented *infra*.

Examiner's Note

5. The Examiner notes Applicants' invention recites the following conditional limitation:

"converting the first quote to an executable order when a quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval."

As interpreted by the Examiner, this limitation is optional and only read into the claim if the underlined condition is satisfied. Accordingly, the prior art need not teach this limitation if the underlined condition is disclosed as being unsatisfied.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 3-5, 7, 10-13, 16, 18-20, 25-28, 31, 33-35 and 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. (US 5,960,411) (“Hartman”).**

Hartman teaches receiving an online purchase request for a first item (Abstract; and col. 3, lines 46-48), retrieving pre-stored information about the customer (col. 3, lines 38-42; and col. 5, line 66 – col. 6, line 4), generating a first quote that includes an identification of the first item and the retrieved information (Fig. 1C, chars. 108, 106 and 107; col. 3, lines 60-63; and col. 4, lines 37-41), allowing modifications to be made to the first quote by a customer (col. 3, lines 64-67; and col. 4, lines 33-35 and 46-58), and converting the first quote to a first executable order (Abstract; col. 4, lines 33-35). Hartman further teaches generating an order status Web page displaying selected details of the first quote, wherein the Web page is configured to refer to the first quote

as a pending order (Fig. 1C). Hartman further teaches receiving a second online purchase request for a second item, and adding it to the first quote (1) prior to the first quote being converted to an order, and (2) when the quote conversion process determines that the first quote has remained unmodified for a period of time that is less than a consolidation interval (Fig. 1C; col. 5, lines 43-55; and col. 7, lines 58-60). Hartman also teaches sending the first executable order to an order fulfillment center (Abstract; and col. 4, lines 33-35). Finally, Hartman teaches receiving a second online purchase request for a second item from the customer, and generating a second quote that includes an identification of the second item and the retrieved information when the quote conversion process determines that the first quote has remained unmodified for a period greater than the consolidation interval (Fig. 1C; col. 5, lines 43-55; and col. 7, lines 58-60).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 1, 3-5, 7-14, 16, 18-20, 22-29, 31, 33-35 and 37-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of "Buyer's Guide" ("Software buyers' guide" Purchasing, Vol. 118, on. 8 (May 18, 1995) p. 59) and Midorikawa et al. (US 5,655,088) ("Midorikawa").**

Regarding Claims 1, 3-5, 7, 10-14, 16, 18-20, 22, 25-29, 31, 33-35, 37 and 40-44, Hartman teaches receiving an online purchase request for a first item (Abstract; and col. 3, lines 46-48), retrieving pre-stored information about the customer (col. 3, lines

38-42; and col. 5, line 66 – col. 6, line 4), generating a first quote that includes an identification of the first item and the retrieved information (Fig. 1C, chars. 108, 106 and 107; col. 3, lines 60-63; and col. 4, lines 37-41), allowing modifications to be made to the first quote by a customer (col. 3, lines 64-67; and col. 4, lines 33-35 and 46-58), and converting the first quote to a first executable order (Abstract; col. 4, lines 33-35).

Hartman further teaches generating an order status Web page displaying selected details of the first quote, wherein the Web page is configured to refer to the first quote as a pending order (Fig. 1C). Hartman further teaches receiving a second online purchase request for a second item, and adding it to the first quote (1) prior to the first quote being converted to an order, and (2) when the quote conversion process determines that the first quote has remained unmodified for a period of time that is less than a consolidation interval (Fig. 1C; col. 5, lines 43-55; and col. 7, lines 58-60).

Hartman also teaches sending the first executable order to an order fulfillment center (Abstract; and col. 4, lines 33-35). Finally, Hartman teaches receiving a second online purchase request for a second item from the customer, and generating a second quote that includes an identification of the second item and the retrieved information when the quote conversion process determines that the first quote has remained unmodified for a period greater than the consolidation interval (Fig. 1C; col. 5, lines 43-55; and col. 7, lines 58-60).

If Applicants' invention were construed to require *converting the first quote to a first executable order*, Hartman would fail to teach this limitation. However, Buyer's Guide overcomes this deficiency through its disclosure of automatically converting a

supplier quote to an executable purchase order (p. 4). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Hartman to include the teachings of Buyer's Guide in order to provide buyers with a means for automating the acceptance of a supplier quote.

Again, if Applicants' invention were construed to require converting the first quote to a first executable order *when a quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval*, Hartman and Buyer's Guide would fail to teach this limitation. However, Midorikawa would overcome this deficiency through its disclosure of resolving an outstanding offer after a timer process determines the outstanding offer has remained unmodified for a period of time (col. 3, lines 11-26; and col. 4, lines 7-30). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Hartman and Buyer's Guide to include the teachings of Midorikawa as this combination would provide buyers with a means for further automating the acceptance of a supplier quote.

Regarding Claims 8, 23 and 38, Hartman, Buyer's Guide and Midorikawa teach all the limitations discussed under Claims 7, 22 and 37. Hartman and Buyer's Guide do not expressly teach *wherein the consolidation interval is measured from a time at which the quote conversion process is launched*. However, Midorikawa overcomes this deficiency through its disclosure of resolving an outstanding offer after a timer means determines the outstanding offer has remained unmodified for a period of time, wherein the timer means is activated when the outstanding offer is created (col. 3, lines 11-26; and col. 4, lines 7-30). At the time of Applicants' invention, it would have been obvious

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to one of ordinary skill in the art, to modify Hartman and Buyer's Guide to include the teachings of Midorikawa as this combination would provide buyers with a means for further automating the acceptance of a supplier quote.

Regarding Claims 9, 24 and 39, Hartman, Buyer's Guide and Midorikawa teach all the limitations discussed under 1, 16 and 31. Hartman and Buyer's Guide do not expressly teach *wherein the quote conversion process runs continuously*. However, Midorikawa overcomes this deficiency through its disclosure of resolving an outstanding offer after a timer means determines the outstanding offer has remained unmodified for a period of time, wherein the timer means runs continuously (col. 3, lines 11-26; and col. 4, lines 7-30). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Hartman and Buyer's Guide to include the teachings of Midorikawa as this combination would provide buyers with a means for further automating the acceptance of a supplier quote.

10. Claims 2, 15, 17, 30, 32 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Buyer's Guide, Midorikawa and Official Notice.

Regarding Claims 2, 17 and 32, Hartman, Buyer's Guide and Midorikawa teach all the limitations noted under Claims 1, 16 and 31. Hartman, Buyer's Guide and Midorikawa do not expressly teach *wherein the received purchase request includes a click of a pointing device coupled to a client computer device*. However, the Examiner takes Official Notice that communicating a purchase order by using a mouse-click is old and well known. Therefore, at the time of Applicants' invention, it would have been

obvious to one of ordinary skill in the art, to modify Hartman, Buyer's Guide and Midorikawa to include *wherein the received purchase request includes a click of a pointing device coupled to a client computer device*. This combination would facilitate the submission of purchase requests by implementing a widely-available communication device.

Regarding Claims 15, 30 and 45, Hartman, Buyer's Guide and Midorikawa teach all the limitations noted under Claims 1, 16 and 31. Hartman, Buyer's Guide and Midorikawa do not expressly teach *the step of sending an email to the customer when the first quote is converted into the first order*. However, as Applicants admit *supra*, sending customers a purchase confirmation by email is old and well-known in the Internet commerce art. Consequently, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Hartman, Buyer's Guide and Midorikawa to include *the step of sending an email to the customer when the first quote is converted into the first order*. This combination would provide users with a notification that their order has been received.

11. Claims 6, 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Buyer's Guide, Midorikawa and Parker (US 4,958,368).

Hartman, Buyer's Guide and Midorikawa teach all the limitations discussed under Claims 5, 20 and 35. Hartman, Buyer's Guide and Midorikawa do not expressly teach *wherein the at least one authorized person includes the customer and a sales representative*. However, Parker teaches an online method for establishing a service

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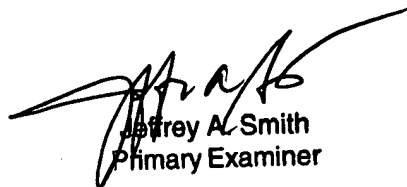
wherein a customer service agent corrects information relating to a customer service account (Abstract; and col. 11, lines 7-10). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Hartman, Buyer's Guide and Midorikawa to include *wherein the at least one authorized person includes the customer and a sales representative*. This combination would provide an additional level of customer service by permitting service representatives to manage users' accounts.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jeffrey A. Smith
Primary Examiner

Tim Brown
Examiner
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TB

October 31, 2003